THE HON'BLE DR. JUSTICE G.YETHIRAJULU

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WRIT PETITION NO. 18553 OF 1995

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O R D E R:

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This writ petition is filed seeking a direction to the respondents to issue appointment orders to the petitioner for the post of E.P. Operator Trainee in the Vacancies mentioned in the Circular Ref.No.P(RC)603, dated 14-09-1994 issued by the Director Personnel, Singareni Collieries Company Limited, Kothagudem, Khammam District.

In the affidavit filed in support of the writ petition, it is stated that the petitioner was working as 'Badili Worker in the respondents-company (Singareni Collieries Company Limited at Kothagudem, Khammam District) and he belongs to S.C.Communtiy. While he was working in the respondents-company, the company issued the impugned notification calling applications from the eligible Inservice/Internal SC/ST candidates for appointment to the post of E.P.Operator Trainee. The number of posts mentioned for S.C. category are about 8 5 and the qualifications required are pass in 7th class or its equivalent holding HGV Driving Licence with three years experience. The petitioner studied upto 8th class and have all the required qualifications for the said post. As per the circular impugned, the petitioner made an application, attended both written and driving tests on 21-5-1995, in the respondents-company. In the month of July, 1995 the respondents- company affixed a list of qualified candidates and issued ranks to them. The petitioner got 17th rank with 81.52 out of 100 marks. Till to-day he did not get any appointment order for the post of E.P Operator Trainee in the respondents-company. But the respondents-company issued appointment orders for only 12 candidates and they were sent for further training. Though the

petitioner approached the respondents-company for appointment orders, the respondents-company replied that there are no vacancies at present. Aggrieved by the same, the petitioner has approached this Court.

The learned counsel for the respondents-company contended that the number of vacancies as mentioned in the circular are '85', which is a typographical error and in fact, it is only eight posts. Keeping in view the vacancies, only 12 candidates were selected and appointment orders were issued to them.

The petitioner, admittedly, got 22nd rank. Therefore, he cannot contend that he is ignored from appointment. How many vacancies were pending and how many people are to be accorded is purely the discretion of the management. If any candidates, who got lesser rank are preferred against the petitioner, then the petitioner can agitate that discrimination has been shown and he is ignored for the post. Since the material discloses that there is no such discrimination against the petitioner, he is not entitled to get any relief.

Accordingly, the writ petition is dismissed. However, this order will not preclude the respondents-company from considering the candidature of the petitioner in the future vacancies of the company, if he is qualified to the said post. No costs.

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28-02-2006

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